IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.282 OF 2007

K.S.Nitin & ors. Petitioners

vs.

The State of Maharashtra & ors. Respondents

Mr.Charanjeet Chandrapal for the petitioner.

Mr.M.S.Mhambre, APP for the State.

CORAM : SMT.RANJANA DESAI &
ANOOP V. MOHTA,JJ.

DATED : 7th March 2007

P.C.

We have heard the learned counsel for the petitioner.

2. The grievance of the petitioner is that the learned Magistrate, in clear violation of well established principles that an accused person does not come into picture at all till the process is issued is allowing the accused to participate in the hearing of the applications filed by the complainant. In this connection, the learned counsel placed reliance on the judgement of the Supreme Court in **Chandra Deo Singh v. Prakash Chandra Bose alias Chabi Bose and anr., AIR 1963 SC 1430 and a judgement of this Court in Smt.Laxmi Kishre Tonsekar vs. State of Maharashtra, 1993 Cri.L.J.**

2772.

3. It is not necessary for us to express any opinion on themerits of the case. We only direct the learned Magistrate to deal with the instant case in accordance with law keeping in mind the law laid down in the above judgments.

4. So far as the grievance that Economic Offences Wing is not properly investigated the case is concerned we refrain from making any comment at this stage, because the investigation is in progress. We hope and trust that EOW will carry out indepth and proper investigation and give no cause for the petitioner to complain.

5. Petition is disposed of in the above terms.

[SMT.RANJANA DESAI,J.]

[ANOOP V. MOHTA,J.]